

REMARKS

Claims 1-4 and 13-39 are pending in the present application. Newly presented claims 37-39 find support, for example, on page 25, lines 16 to 24 and page 25, line 33 to page 26, line 4 of the specification. The newly presented claims do not introduce any new matter.

The provisional rejection of claims 1-4 and 13-36 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4 and 13-30 of US Patent application 10/791,730 has been overcome by the filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above response, applicant believes the pending application is in condition for allowance.

In the event that the Examiner believes that another interview would serve to advance the prosecution of this application, the undersigned is available at the number noted below.

Please charge any fees due with this response to our Deposit Account No. 22-0185, under Order No. 21581-00316-US from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

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